

US Army Corps  
of Engineers

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

## Of Project Workshop

**NUMBER: 25907S – Gateway/Montanera Project**  
**DATE: June 30, 2003**

PERMIT MANAGER: Molly Martindale    PHONE: 415-977-8448    Email: [mmartindale@spd.usace.army.mil](mailto:mmartindale@spd.usace.army.mil)

**1. INTRODUCTION:** On February 9, 2001, Mr. Michael Olson, Orinda Gateway LLC (dba Montanera LLC), 232 Brookwood, Orinda, California, 94563, [(925) 258-1020] applied for a Department of the Army (Corps) permit to construct a housing and golf course project in the Gateway Valley, south of Highway 24, in Orinda, Contra Costa County. The application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). Since the 2001 application, and in response to comments received on the proposed project, the applicant has revised the project to eliminate the golf course component. The current form of the project is similar to Alternative 14, which was evaluated by the applicant in the 2001 application.

Public Notices and Public Hearings on previous versions of the project, with a golf course, occurred in 1997 and 2001. In addition, since the 1997 application, the applicant has hosted numerous site visits and attended many meetings with agencies and other commenters. Numerous commenters urged the applicant to drop the golf course.

**2. PUBLIC WORKSHOP:** The Corps is sponsoring a joint workshop with the City of Orinda City Council on July 28 to discuss the revised Gateway/Montanera project proposal (described as Alternative 14A, the "Modified No Golf Plan"). The workshop will begin at 7:00 PM and will be located at the City Council Chambers in the Orinda Public Library. [Directions to

the City of Orinda are available on the City's website: <http://www.ci.orinda.ca.us>.] The District Engineer and members of his Regulatory staff will be present at the workshop. A court reporter will be present to record the proceedings for the Corps record. This workshop will be the final opportunity for public input regarding this project before the Corps makes its permit decision.

**3. PROJECT DESCRIPTION:** The applicant no longer plans to construct a golf course as part of the Gateway /Montanera project. The revised project results in the complete elimination of all golf course and related facilities, including all fairways, greens, tees, roughs, clubhouse, maintenance facilities, cisterns, cart paths, and cart path bridges, turn-point canteen and play-overs. All project impacts have been removed from the portions of the site located south of Zuckerman Saddle and within the Moraga Creek watershed. The remaining development features, including residential areas (225-245 single-family homes), public recreational amenities, and supporting infrastructure are clustered within a reduced area near Brookside Creek. The applicant proposes a minimum 100-foot buffer on both sides of the centerline of Brookside Creek and a 50-foot buffer on both sides of its two permanent tributaries. In addition, all lots have been eliminated between the main tributary branches. The reduced project implements an integrated resource conservation, enhancement, and mitigation program, including

special status species habitats.

Overall, the project grading area is reduced from 372 acres in the 2001 proposal to 295.8 acres in the current proposal. Wetland impacts are reduced to 2.7 acres from 4.7 acres, and drainage impacts from 20,722 linear feet (37% of total) to 14,858 linear feet (26% of total).

Impacts to riparian woodland are reduced from 6.9 acres to 4.8 acres, coast live oak forest from 13.3 acres to 11.7 acres and northern coyote brush scrub from 20.1 acres to 15.0 acres.

More details of the planned changes, including interactive maps, can be found on the City of Orinda web site at: [www.ci.orinda.ca.us/gateway/montaneradec02.htm](http://www.ci.orinda.ca.us/gateway/montaneradec02.htm)

The current project description, resource management plans, and large-scale maps are also available at the City of Orinda's Planning Department and at the Orinda Public Library.

**4. PROPOSED MITIGATION:** To compensate for remaining impacts, the applicant proposes to construct 5.45 acres of compensatory wetlands in Gateway and Indian Valleys. [Indian Valley is to the southwest of, and contiguous with, Gateway Valley.] For riparian impacts, the applicant proposes to 1) perform various forms of restoration or enhancement along 14,232 linear feet of avoided streams; 2) manage on-site livestock grazing to enhance the functions and values of the entire stream system; and 3) remediate landslides and slope instabilities that adversely affect stream functions and values. Neither Brookside Creek nor either of the permanent tributaries to it will be filled by project activities.

**5. STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. Those parties concerned with any

water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612.

**6. ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers will assess the environmental impacts of the revised action in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The documents used in the preparation of the Environmental Assessment will be on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

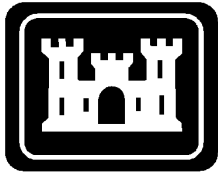
The Corps is in formal consultation with the U.S. Fish & Wildlife Service for the California red-legged frog (*Rana aurora draytonii*) and for the Alameda whipsnake (*Masticophis lateralis euryxanthus*) and its Critical Habitat on the project site.

**7. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the

national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**8. CONSIDERATION OF COMMENTS:** Any comments received at the workshop will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act.

**9. SUBMISSION OF COMMENTS:** At the workshop, interested parties may submit in writing or in person any comments concerning this activity. Comments should include the name of the project and the name and address of the commenter. It is Corps policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this Notice, or by contacting Molly Martindale of our office at telephone 415-977-8448 or E-mail: [mmartindale@spd.usace.army.mil](mailto:mmartindale@spd.usace.army.mil).



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